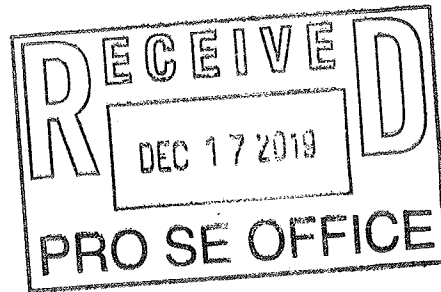


U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)



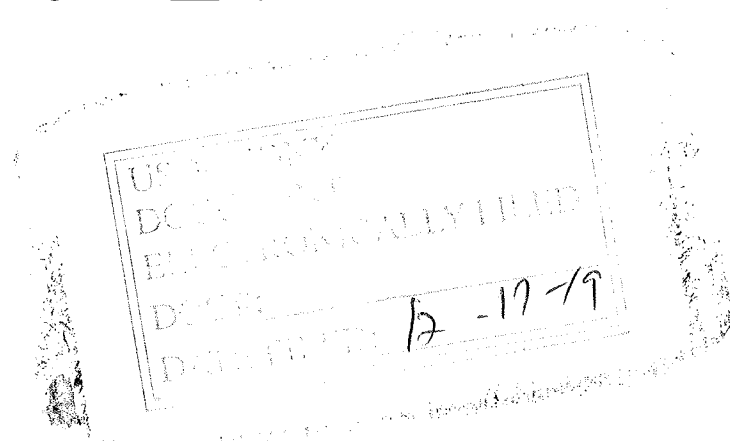
D George Sweigert <u>Plaintiff</u> v. Jason Goodman <u>Defendant</u>	CIVIL CASE #: 1:18-CV-08653-VEC JUDGE VALERIE E. CAPRONI MAGISTRATE STEWART D. AARON
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PLAINTIFF'S NOTICE OF MOTION
IN OPPOSITION TO DEFENDANT'S COUNTER-CLAIM PAPERS (DOC. No. 122)
PURSUANT TO RULE 12(b)(6) FAILURE TO STATE A CAUSE, OR, IN THE
ALTERNATIVE, RULE 12(b)(1) LACK OF JURISDICTION

This **NOTICE OF MOTION** is submitted pursuant to **Local Rule 7.1 (a)(2) and 7.1 (b)** and is in response to the Defendant's pleading papers (**Dkt. No. 122**) which are styled as a "**COUNTER-CLAIM**"

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant. A certificate of service is included on the last page of this document.

Signed this 12 day of December, 2019.



D. Sweigert
D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org

12.12.19

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

CERTIFICATE OF SERVICE

I HEREBY ATTEST that a true copy of the attached pleadings have been sent to the following addressees on the 12th day of December 2019 via prepaid First Class U.S. Mail.

**Jason Goodman, CEO
Multi-media Design Systems, Inc.
252 7th Avenue, Apart. #6S
New York, NY 10001**

**PRO SE OFFICE, Room 200
U.S. District Court
500 Pearl Street
New York, New York 10007-1312**

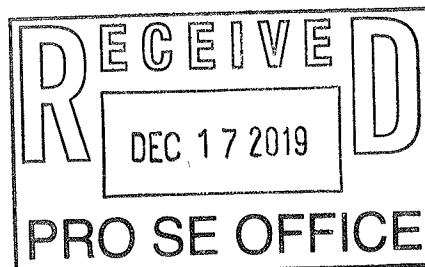


**D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org**

12.12.19

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)



D George Sweigert

Plaintiff

v.

Jason Goodman

Defendant

CIVIL CASE #: 1:18-CV-08653-VEC

JUDGE VALERIE E. CAPRONI

MAGISTRATE STEWART D. AARON

PLAINTIFF'S MEMORANDUM OF LAW
TO SUPPORT MOTION IN OPPOSITION TO DEFENDANT'S COUNTER-CLAIM
PAPERS (DOC. No. 122) PURSUANT TO RULE 12(b)(6) FAILURE TO STATE A
CAUSE, OR, IN THE ALTERNATIVE, RULE 12(b)(1) LACK OF JURISDICTION

This Memorandum of Law is submitted pursuant to **Local Rule 7.1 (a)(2) and 7.1 (b)** and is in response to the Defendant's pleading papers (**Dkt. No. 122**) which are styled as a "COUNTER-CLAIM"

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant. A certificate of service is included on the last page of this document.

Signed this 12 day of December, 2019.

A handwritten signature in black ink, appearing to read "D. Sweigert".

D. G. SWEIGERT, C/O
GENERAL DELIVERY

ROUGH AND READY, CA 95975

Spoliation-notice@mailbox.org

12.12.19

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PROCEDURAL BACKGROUND

1. Presiding Judge Valeria Caproni issued an ORDER permitting the filing of a Second Amended Complaint (ECF Doc. No. 87). *Pro Se* Defendant Goodman (acting as a Counter-Claim Plaintiff) has provided a “COUNTER CLAIM VERIFIED COMPLAINT” to the Court, (Doc. No. 122). By endorsement to the *pro se* Plaintiff/Counter-Defendant’s request for additional time to respond to the Defendant/Counter-Plaintiff’s “Counter Claim” papers, Magistrate Judge Stewart D. Aaron granted a deadline for the filing of this instant document by 12/31/2019 (Doc. 126). This document is hereby filed in compliance with Doc. 126 (# 126). In this pleading the Plaintiff/Counter-Defendant, (undersigned) MOVES this Court to deny the practical effects of Defendant Goodman’s Counter-Claim papers (# 122) pursuant to Fed. R. Civ. Proc. 12(b)(6) for failure to state a claim.

INTRODUCTION

2. The Defendant/Counter-Plaintiff Jason Goodman is a public figure that operates a podcast social media conspiracy brand known as “CrowdSource The Truth”. Goodman’s CrowdSource The Truth is presented as a news, research and public affairs platform which collects subscriber fees. Goodman’s daily podcasts are viewed by thousands of people, many of whom contribute money. The present social media footprint for CrowdSource The Truth includes thirteen (13) individual social media platforms (Facebook, YouTube, PATREON, Periscope, SubscribeStar, etc.). Defendant/Counter-Plaintiff insists that he is an “investigative reporter” while not tolerating even the most innocent criticism of his “*news service*”. In fact, the Defendant/Counter-Plaintiff complains of damage to his “*world wide reputation*” (see COUNT 1, para. 77, # 122) by a vast conspiracy of players (to include former podcast sidekicks).

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3. Unfortunately, the Counter-Claim papers (# 122) are another example of a tortured attempt to re-litigate a jumble of irrelevancies from the federal court in Richmond, Virginia – where the Defendant faces nearly identical causes of action for defamation, libel and slander (*Steele v. Goodman*, Civil Action No. 3:17cv601 (E.D. Va. Jul. 25, 2019)), herein referred to as the Virginia lawsuits. For clarity purposes the Court should image a troupe of players associated with this Virginia lawsuit. Goodman unsuccessfully attempts to “shoe horn” the Plaintiff (undersigned) into this Virginia lawsuit troupe of players.

4. The Court will learn that the meager factual allegations included in the Counter-Claim papers (# 122) do not create any inference supporting the allegation that the Plaintiff/Counter-Defendant is a ring-leader of some vast conspiracy of “operators” (Virginia lawsuit troupe), and as such these allegations are not enough to state a facially plausible claim.

5. The Court will learn that all the claims in the Counter-Claim (# 122) are not factually based and will not survive a motion to dismiss (Rule 12(b)(6)). For instance, the claims of tortious interference are not applicable to an at will contract, baseless claims of defamation are not applicable to public interest communications, claims of defamation can not attach to the mere pointing to an article and the lack of any evidence to create a connection between the Plaintiff/Counter-Defendant (undersigned) and the Virginia lawsuit troupe.

LAW AND DISCUSSION

6. The Court may observe issues presented herein that indicate the Court has no jurisdiction in certain matters. In the event of such adjudication, the Counter-Defendant also involved Fed. R. Civ. Proc. 12(b)(1) for lack of jurisdiction.

7. Although the Court must accept all factual allegations set forth in the complaint and view them in the light most favorable to the pro se Defendant/Counter-Plaintiff, it should also note

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that conclusory allegations, unwarranted factual deductions, and legal conclusions will not prevent dismissal under Rule 12(b)(6).

CONCLUSORY AND VAGUE STATEMENTS

8. Generally, when considering a motion to dismiss, pursuant to Fed. R. Civ. P. 12(b)(6), non-conclusory allegations in the complaint are deemed true. See *Ruotolo v. City of N.Y.*, 514 F.3d 184, 188 (2d Cir. 2008). [emphasis added]

“In considering a motion to dismiss for failure to state a claim pursuant to Rule 12(b)(6), a district court must limit itself to the facts stated in the complaint, documents attached to the complaint as exhibits, and documents incorporated by reference in the complaint. *Hayden v. County of Nassau*, 180 F.3d 42, 54 (2d Cir. 1999).” *Procter Gamble Company v. Xetal, Inc.*, 04-CV-2820 (DRH) (WDW), 04-CV-5225 (DRH) (WDW) (E.D.N.Y. Mar. 23, 2006)

9. The Counter-Claim papers (# 122) proffer only a few non-conclusory allegations, which could possibly be accepted as true by this Court. “In considering a Rule 12(b)(6) motion, all non-conclusory factual allegations are accepted as true and all reasonable inferences are drawn in favor of the plaintiff. See *In re Elevator Antitrust Litig.*, 502 F.3d 47, 50 (2d Cir. 2007) (per curiam)”. *Gladden v. City of N.Y.*, 12 Civ. 7822 (PKC) (S.D.N.Y. Aug. 29, 2013) [emphasis added]

“Even under the lenient pleading requirement of Fed.R.Civ.Proc. 8(a)(2), conclusory allegations are insufficient to withstand a motion to dismiss. See *Manos v. Geissler*, 377 F.Supp.2d 422, 425 (S.D.N.Y. 2005). Moreover, courts need not accept as true pleadings expressing legal conclusions, speculation and unsubstantiated allegations “so broad and conclusory as to be meaningless.” *Decker v. Massey-Ferguson, Ltd.*, 681 F.2d 111, 120 (2d Cir. 1982); see also *Smith v. Local 819 I.B.T. Pension Plan*, 291 F.3d 236, 240 (2d Cir. 2002) (while the court must construe factual allegations in the light most favorable to the plaintiff, the court is not required to accept plaintiff’s legal conclusions).”

Collier v. Boymelgreen Developers, 06 CV 5425 (SJ) (E.D.N.Y. May. 17, 2007)

COUNTER-PLAINTIFF'S COUNT 1 DEFAMATION

10. At paras. 75 through 77 (# 122) the Defendant/Counter-Plaintiff articulates his COUNT 1 DEFAMATION claim (pg. 18). Specifically, Goodman applies the threshold standard of “*Defamation Per Se*” concerning “several occasions” when “false statements were published”.

11. After a careful reading of Goodman’s Counter-Claim papers (# 122), it appears that only **four (4)** specific allegations of “*Defamation Per Se*” – which are articulated in a non-conclusory manner – have been proffered by Goodman. They are presented below.

***Letter to the U.S. Coast Guard (EXHIBIT D)
is privileged communications (Para. 18)***

12. Goodman complains about a letter written to the U.S. Coast Guard Captain of the Port of New York and New Jersey (N.Y./N.J.) (**EXHIBIT D, #122**). Under New York defamation law, statements made to law enforcement (such as the undersigned’s letter to the U.S. Coast Guard, a law enforcement division of the U.S. Department of Homeland Security) in a reasonable manner for a proper purpose are entitled to qualified privilege. See *Nevin v. Citibank, N.A.*, 00 Civ. 0029 (CM) (S.D.N.Y. Jul. 14, 2000).

13. “[U]nder New York law, “[p]ublic policy demands that certain communications, although defamatory, cannot serve as the basis for the imposition of liability in a defamation action.” *Nevin v. Citibank, N.A.*, 107 F. Supp. 2d 333, 343 (S.D.N.Y. 2000) (citing *Toker v. Pollak*, 44 N.Y.2d 211, 218 (1978)).

14. Certain communications made in the discharge of public functions are entitled to an “absolute” privilege, which means that the communications are privileged regardless of the

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speaker's motive. Nevin, 107 F. Supp. 2d at 343-44.” *Menaker v. C.D.*, 2:17-cv-5840

(DRH)(AYS) (E.D.N.Y. Nov. 1, 2018)

15. The Plaintiff/Counter-Defendant’s letter to the U.S. Coast Guard Port Captain (**EXH. D, # 122**) represents a **communication of public interest** and is shielded from a defamation claim.

“A plaintiff’s speech is only protected where it can be “fairly characterized as constituting speech on a **matter of public concern**.” *Frank v. Relin*, 1 F.3d 1317, 1328-29 (2d Cir. 1993).”

[emphasis added] *Neilson v. D’Angelis*, CV-00-6106 (CPS) (E.D.N.Y. Dec. 20, 2002).

16. The Plaintiff/Counter-Defendant statements of public concern have substantial immunity as they were providing intelligence to a law enforcement agency in good faith. In the letter in question (EXH. D, #122), the Port Captain of the U.S. Coast Guard was made aware that social media “open intelligence sources” indicated that the Defendant/Counter-Plaintiff and George Webb Sweigert were not initially UNAWARE that the container ship M/V MEMPHIS MAERSK was *en route* to the Port of Charleston, S.C. on the day in question. Said open source intelligence indicated that both Goodman and George Webb Sweigert believed that the M/V MEMPHIS MAERSK was in the Port of New York and New Jersey, indicating that the infamous CrowdSource The Truth podcast of June 14th, 2017 could have had a direct impact on the Port in N.Y./N.J. and not Charleston. The Port Captain has a right and need for such information to update appropriate port security and maritime intelligence.

“Other communications enjoy a “qualified” privilege, when it is “fairly made by a person in the discharge of some public or private duty, legal or moral, or in the conduct of his own affairs in a matter where his interest is concerned.” *Id.* (citing *Toker v. Pollak*, 44 N.Y.2d 211, 219 (1978))”.

Menaker v. C.D., 2:17-cv-5840 (DRH)(AYS) (E.D.N.Y. Nov. 1, 2018)

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17. At para. 19 the Counter-Claim papers proffer that the Coast Guard letter is “false” without specifying what exactly is false about the statements in letter. It is claimed in the papers (# 122) that the Coast Guard letter “was sent with actual malice and deliberate intent to harass and defame Goodman”. It should be noted that the Coast Guard letter in question not only included Goodman’s name, but George Webb Sweigert’s (brother of undersigned) name as well.

18. Goodman does not explain how any statement of the letter was defaming. “[A] threshold issue for resolution by the court is whether the statement alleged to have caused plaintiff an injury is reasonably susceptible to the defamatory meaning imputed to it.” Burton, 2018 WL 4759735, at *11 (quoting Levin v. McPhee, 119 F.3d 189, 195 (2d Cir. 1997))”. *Menaker v. C.D.*, 2:17-cv-5840 (DRH)(AYS) (E.D.N.Y. Nov. 1, 2018).

19. Goodman must demonstrate that his allegations of malice associated with the Coast Guard letter. He has not. The Court may not accept his conclusory allegations in this matter.

““Constitutional or actual malice means publication with [a] high degree of awareness of [the publication's] probable falsity or while the defendant in fact **entertained serious doubts as to the truth of [the] publication.**” Id. As the Second Circuit has explained, “[t]he critical difference between common-law malice and constitutional malice . . . is that the former focuses on the defendant's attitude toward the plaintiff, the latter on the defendant's attitude toward the truth.” Chandok v. Klessig, 632 F.3d 803, 815 (2d Cir. 2011) (quoting Liberman v. Gelstein, 80 N.Y.2d 429, 437 (1992)).

To overcome the common interest privilege, “mere conclusory allegations, or charges based upon surmise, conjecture, and suspicion are insufficient[.]” Fuji, 669 F. Supp. 2d at 412 (quoting Golden v. Stiso, 279 A.D.2d 607, 608 (2d Dep’t 2001)) (internal quotation marks omitted); see also Panghat v. New York Downtown Hosp., 85 A.D.3d 473, 474 (1st Dep’t 2011) (finding that defendants statements were “protected by the common interest privilege,” since “[p]laintiff merely asserted in conclusory fashion that the statements at issue were made with malice, which is insufficient to overcome the privilege”).” [emphasis added]

Menaker v. C.D., 2:17-cv-5840 (DRH)(AYS) (E.D.N.Y. Nov. 1, 2018)

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*Reblogging Steve Outtrim's article
is not a defamatory act (Para. 31)*

20. Goodman complains about an Internet blog article posted by Steve Outtrim about Goodman's experiences as Chief Executive Officer (CEO) of a heavy lift drone company. Goodman accuses the Plaintiff/Counter-Defendant (undersigned) of defaming Goodman with this article. The issue here is the act of "reblogging" – which is not republishing under the **single publication rule**. Reblogging is a delayed circulation of the original edition. The "reblogging" feature on a WordPress.COM blog allows the headline of an original article at the origin blog site (parent site) to be "highlighted" on another – secondary -- blog site (child site). The entirety of the article on the parent site is NOT republished, only a headline teaser and pointer is published on the child site. Once a user clicks on the reblogged headline pointer teaser (child site), the user is redirected by Internet Protocols to the origin site (parent) to see a full display of the article. The reblogged headline on the child site stated:

**Insane in the Ukraine: J.Go Like You've Never Seen Him Before [UPDATES] —
Burners.Me: Me, Burners and The Man**

The text that accompanied the headline:

Recognize this guy? Jason Goodman, CEO of Aerocine, the first company to fly a full-size RED EPIC camera on a "heavy payload" micro-hexacopter drone. It's almost like we're watching an actor playing a different character. 3,200 more words

21. The totality of the information published on the child site appears above; it is the entirety of the reblogged headline. Clicking on the headline activates an Internet Protocol Uniform Resource Locator (URL) redirection to the parent site operated by Steve Outtrim (BURNERS.ME).

"Republication, retriggering the period of limitations, occurs upon a separate aggregate publication from the original, on a different occasion, which is not merely "a delayed circulation of the original edition."

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See *Biro v. Condé Nast*, 963 F. Supp. 2d 255 (S.D.N.Y. 2013)

22. The original article on Steve Outtrim’s “BURNERS.ME” WordPress.COM blog entitled “*Insane in the Ukraine: J.Go Like You’ve Never Seen Him Before [UPDATES]*” was published on December 3, 2018 over a year after the Defendant docketed his papers (# 122) on December 5, 2019.

23. “New York imposes a one-year statute of limitations on defamation claims. CPLR § 215(3). Under the “single publication” rule, the statute of limitations ordinarily begins to run at the time of the “first publication”—that is, “the earliest date on which the work was placed on sale or became generally available to the public.” *Van Buskirk v. N.Y. Times Co.*, 325 F.3d 87, 89 (2d Cir.2003).” See *Etheredge-Brown v. Am. Media, Inc.*, 13 F. Supp. 3d 303 (S.D.N.Y. 2014).

24. It is a stretch of logic to hold the Plaintiff/Counter-Defendant liable for pointer to an article that was first published on a different blog site over a year ago.

***Statute of limitations has tolled concerning Plaintiff
book about the “dirty bomb hoax” (Para. 70/71)***

25. Goodman complains of false and defamatory information in a book published by the Plaintiff/Counter-Defendant. The book in question (EXH. F, #122), entitled “Report: The Port of Charleston Dirty Bomb Hoax and Social Media Liability Paperback” was released on AMAZON on **April 14, 2018**, prior to the filing of this instant lawsuit on June 14th, 2018 in the U.S. District Court for the District of South Carolina.

26. Any claims for damages for the truthfulness of statements made in the “dirty bomb hoax” book are now time barred. “See N.Y. C.P.L.R. 215-4 (stating that actions to recover damages for libel, slander, false words causing special damages, inter alia, shall be commenced within one year).” *Katz v. Travelers*, 16-cv-4389 (ADS) (SIL) (E.D.N.Y. Sep. 20, 2017).

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“New York law establishes a one-year statute of limitations on defamation claims, which begins to run from the time of the utterance. N.Y. C.P.L.R. § 215(3); see *Vasile v. Dean Witter Reynolds Inc.*, 20 F. Supp. 2d 465, 495 (E.D.N.Y. 1998) (the limitations period commences "on the day the statements at issue were made, not . . . when the plaintiff learns of them").”

Seghers v. Morgan Stanley DW, Inc., 06 Civ. 4639 (GEL) (S.D.N.Y. May. 10, 2007)

27. The “dirty bomb hoax” book (EXH. F, #122), like the letter to the U.S. Coast Guard Port Captain, address matters of public concern. The contents of the book in question is focused on the deficiencies of current laws and statutes that could not apparently address fake hoaxes and false alerts of this type for which CrowdSource The Truth is famous for. “Whether a statement involves a "matter of public concern" has been given an "extremely broad interpretation," but "publications directed only to a limited, private audience are matters of purely private concern." *Aslin v. Univ. of Rochester*, 6:17-CV-06847 (W.D.N.Y. Aug. 28, 2019).

“Plaintiff's communication with the District Attorney ... satisfies the requirement of being a **matter of public concern**. See, e.g., *Burkybile v. Bd. of Educ. of Hastings-on-Hudson Union Free Sch. Dist.*, 411 F.3d 306, 313 (2d Cir. 2005) ("Public accusations of improper governmental actions are clearly matters of public concern, regardless of whether the accuser is **motivated by personal reasons**."); *Bernheim v. Litt*, 79 F.3d 318, 325 (2d Cir. 1996) (plaintiff's statements to authorities regarding principal's falsification of test scores and of student achievement were matters "of serious interest to the community")” [emphasis added]

Grennan v. Nassau County, Civil Action No. 04-2158 (DRH) (WDW) (E.D.N.Y. Mar. 29, 2007)

28. Goodman needs to specifically state what statements in the book are false and how the alleged falsity could trump the statements of public concern doctrine.

“"Under New York law, in order to state a claim for defamation, the claimant must allege facts sufficient to support a finding of a published statement concerning the claimant that is both **false and defamatory**." *Belly Basics, Inc. v. Mothers Work, Inc.*, 95 Supp.2d 144, 145 (S.D.N.Y. 2000) (internal quotation marks and citation omitted); see *600 West 115th Street Corp. v. Von Gutfeld*, 80 N.Y.2d 130, 139, 598

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N.Y.S.2d 825 (1992) (stating that "[b]ecause falsity is a necessary element in a defamation claim involving **statements of public concern** . . . only statements alleging facts can properly be the subject of a defamation action")." [emphasis added]

Hammer v. Trendl, CV 02-2462 (ADS) (E.D.N.Y. Oct. 10, 2002)

"Sweigert has written numerous emails and letters to key business associates of Goodman..." is a moot point (Para. 72)

29. In this section of the Counter-Claim papers (# 122) the Defendant/Counter-Plaintiff (Goodman) appears to be stating a tortious interference claim. However, because of the conclusory, vague and baseless allegations this claim fails. See *Black Car and Livery Ins. v. HW Brokerage*, 28 A.D.3d 595 (N.Y. App. Div. 2006)

"..The cause of action alleging tortious interference with a contract was properly dismissed as to the respondent, as the allegations in support of this cause of action "are devoid of a factual basis and are vague and conclusory" (*Schuckman Realty v. Marine Midland Bank*, 244 AD2d 400, 401; see *Washington Ave. Assoc. v. Euclid Equip.*, 229 AD2d 486, 487)..."

30. Defendant/Counter-Plaintiff proffers, "Sweigert has written numerous emails and letters to key business associates of Goodman including the chief legal counsel and Chief executive officer of Patreon, Goodman's primary source of income. These letters contain false allegations against Goodman and threaten Patreon with legal action should they continue to allow Goodman to transact business with Patreon." The Defendant/Counter-Plaintiff fails to provide any documentation or elaboration of his claims to overcome the appearance of "conclusory, vague and baseless allegations".

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31. As the Defendant/Counter-Plaintiff points out “the letters ... threaten Patreon with legal action..”. Therefore, such “emails” and “letters” fall within the scope of pre-litigation communications, which attach to a qualified privilege.

“Alternatively, a statement is “subject to a qualified privilege when it is fairly made by a person in the discharge of some public or private duty, legal or moral, or in the conduct of his [or her] own affairs, in a matter where his [or her] interest is concerned” (Rosenberg v. MetLife, Inc., 8 N.Y.3d 359, 365, 834 N.Y.S.2d 494, 866 N.E.2d 439 [2007] [internal quotation marks omitted]). In general, if the privilege is “qualified, it can be lost by plaintiff's proof that defendant acted out of malice” (Park Knoll, 59 N.Y.2d at 209, 464 N.Y.S.2d 424, 451 N.E.2d 182).”

Front, Inc. v. Khalil, 28 N.E.3d 15 (N.Y. 2015)

“One of the requisite elements of a defamation claim is the publication of a false statement made without privilege or authorization. New York law “accord[s] an absolute privilege” to statements made “in the course of judicial proceedings and which relate to the litigation.” *D’Annunzio v. Ayken, Inc.*, 876 F. Supp. 2d 211, 216 (E.D.N.Y. 2012). A statement made in the course of a judicial proceeding is absolutely privileged, “so long as it is considered material and pertinent to the litigation.” *Id.* (citations omitted); see also *Weinstock v. Sanders*, 42 N.Y.S.3d 205, 207-08 (2d Dep’t 2016) (noting that the privilege applies “at all stages” of litigation). “The test of pertinency . . . is extremely liberal, so as to embrace anything that may possibly or plausibly be relevant or pertinent.” *Weinstock*, 42 N.Y.S.3d at 208 (citing cases). While the Second Circuit recently emphasized that pertinence is “an important (if rarely implemented) limitation on [the] scope” of the litigation privilege, *Brown v. Maxwell*, 929 F.3d 41, 53 n.47 (2d Cir. 2019), it is generally considered “the broadest possible of privileges,” covering “any matter which, by any possibility, under any circumstances, at any stage of the proceeding, may be or may become material or pertinent.” *Kelly v. Albarino*, 485 F.3d 664, 666 (2d Cir. 2007) (per curiam) (internal quotation marks omitted) (citations omitted).”

Deaton v. Napoli, 17-CV-4592 (RRM) (GRB) (E.D.N.Y. Sep. 27, 2019)

32. Defendant/Counter-Plaintiff Goodman provides no information about these “emails” or “letters” written to “key business associates”. No dates, times, names, organizations or relevancy is provided – simply that they “contain false allegation against Goodman”.

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33. This claim (para. 72, # 122) is problematic for Goodman as the PATREON contract was undoubtedly executed in the State of California where PATREON is headquartered – and not New York State. As the Plaintiff/Counter-Defendant presently resides in California, where PATREON is headquartered, no substantial part of these events (emails and letters) occurred in New York.

“Defendant argues that California law governs this case because Plaintiff’s allegations grow out of steps that Defendant took to investigate and prosecute the California Action. (See Def. Reply 2.) This is an important point because California’s judicial proceeding privilege might protect Defendant from all claims arising from this conduct. See, e.g., *AroChem Int’l, Inc. v. Buirkle*, 968 F.2d 266, 269-70 (2d Cir. 1992). Plaintiff, not surprisingly, views the case differently. He frames this action as arising virtually exclusively out of Defendant’s communicating with municipal officials in an effort to freeze Plaintiff out of the Project. (See Pl. Opp.)”

Bloom v. Morley, 10-CV-1473(JS)(ETB) (E.D.N.Y. Aug. 21, 2012)

34. The Defendant/Counter-Plaintiff neglects to inform this Court that the purported contract with PATREON in California is a “termination at will” contract. Nor does the Defendant/Counter-Plaintiff acknowledge that many of these purported “emails” and “letters” complained of long-term infractions of the PATREON Terms and Conditions by Goodman. As the PATREON “contract” or Terms of Service state:

“Abusive conduct

TLDR: Be responsible and don’t violate our policies.

You are responsible for all activity on your account. **If you violate our policies we may terminate your account.**

And

Account deletion

TLDR: You can delete your account here. **We can disable your account at our discretion.**

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You can permanently delete your account at any time by going to our Privacy Policy. On that page you can also see what information is deleted and what we continue to store after the account is deleted.

We can terminate or suspend your account at any time at our discretion. We can also cancel any membership subscriptions and remove any descriptions, posts or benefits at our discretion.

These terms remain in effect even if you no longer have an account.” [emphasis added]

<https://www.patreon.com/policy/legal>

“It is well-settled in New York that “[a] **contract terminable at will** cannot be the basis for a tortious interference with contract claim” because “there can be no breach of contract, a necessary element for tortious interference with contract, when the contract may be terminated at will.” AIM, 2003 WL 21203503, at *5 (citing Guard-Life Corp. v. S. Parker Hardware Mfg. Corp., 50 N.Y.2d 183, 406 N.E.2d 445, 450 (1980); World Wide Communications, Inc. v. Rozar, 1997 WL 795750, at *7 (S.D.N.Y. Dec. 30, 1997); Coliniatis v. Dimas, 848 F. Supp. 462, 470 (S.D.N.Y. 1994); Miller v. Mount Sinai Med. Ctr., 288 A.D.2d 72, 733 N.Y.S.2d 26 (1st Dep’t 2001); Snyder v. Sony Music Entm’t, Inc., 252 A.D.2d 294, 299, 684 N.Y.S.2d 235 (1st Dep’t 1999); Am. Preferred Prescription, Inc. v. Health Mgmt., Inc., 252 A.D.2d 414, 417, 678 N.Y.S.2d 1 (1st Dep’t 1998)).” [emphasis added]

Discover Group, Inc. v. Lexmark International, Inc., 333 F. Supp. 2d 78 (E.D.N.Y. 2004)

“Goodman had foreknowledge and / or some involvement in explosions at a Texas LNG facility” claim devoid of fact (Para. 73)

35. The Defendant has expressed in the Counter-Claim papers (# 122) a complete lack of understanding and ignorance of the incident in Texas (Port Neches, Texas explosion – which had nothing to do with Liquefied Natural Gas (LNG) tanks). News media reports indicate the following:

PORT NECHES, Texas — Small fires from inside the TPC Group plant in Port Neches continues to burn 10 days after massive explosions, according to a Saturday morning news release from the Port Neches Response team.

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<https://www.12newsnow.com/article/news/local/saturday-morning-update-on-tpc-explosion/502-79eeb225-8ebd-4a43-ac18-71f7f8083b6a>

The city of Port Neches and Jefferson County lifted a voluntary evacuation order Thursday afternoon, less than 24 hours after residents who were displaced for days last week amid a fire and multiple explosions at a local chemical plant were again asked to leave their homes Wednesday night.

<https://www.texastribune.org/2019/12/05/port-neches-plant-explosion-prompts-evacuation-order-one-week-later/>

TPC Group is a leading producer of value-added products derived from petrochemical raw materials such as C4 hydrocarbons, and provider of critical infrastructure and logistics services along the Gulf Coast. Our products are sold into a wide range of performance, specialty and intermediate segments, including synthetic rubber, fuels, lubricant additives, plastics and surfactants. Headquartered in Houston, Texas, with an operating history of 75 years, TPC Group has manufacturing facilities in the industrial corridor adjacent to the Houston Ship Channel and Port Neches, Texas, and operates a product terminal in Lake Charles, Louisiana.

<https://www.tpcgrp.com/about>

36. Plaintiff/Counter-Defendant (undersigned) made no statements implicating the Defendant in this highly illogical and incomprehensible conspiracy theory. Nor can Goodman point to any statements made by the undersigned accusing Goodman of such an allegation.

Defendant/Counter-Plaintiff (Goodman) has provided no proof of such statements, no dates and times of such statements, no identification of any kind except for conclusionary statements which appear baseless with no factual foundation (LNG tanks vs. TPC chemical plant).

37. The Defendant's statements about his "Texas LNG facility theory" are too conclusory, vague and lacking in a factual basis to make out the Defendant's defamation *per se* claim. See *Black Car and Livery Ins. v. HW Brokerage*, 28 A.D.3d 595 (N.Y. App. Div. 2006). "[B]eyond

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bare conclusory allegations that, on a Rule 12(b)(6) motion, the court need not assume the truth of,” *Gristede's Foods v. Poospatuck*, 06-cv-1260 (KAM) (E.D.N.Y. Dec. 1, 2009).

38. Even if true, such vague and conclusory LNG tank explosion statements about the Plaintiff/Counter-Defendant’s purported liability do not provide the undersigned with adequate notice as required by Fed. R. Civ. Proc. Rule 8(a)(2). “The mere allegation that defamatory statements were made to another unidentified residency program is too indeterminate to provide sufficient notice of Plaintiff/Counter-Defendant’s claim so that Defendants can prepare their defense,” *Sebastiani v. Brooklyn Hosp. Ctr.*, 19-CV-253 (PKC) (ST) (E.D.N.Y. Jul. 19, 2019).

“The Federal Rules of Civil Procedure require a short and plain statement of the claim. Fed. R. Civ. P. 8(a)(2). Conclusory allegations, unsupported by specific allegations of material fact are not sufficient. *Simpson v. Welch*, 900 F.2d 33, 35 (4th Cir. 1990). A pleader must allege facts, directly or indirectly, that support each element of the claim. *Dickson v. Microsoft Corp.*, 309 F.3d 193, 201-02 (4th Cir. 2002).”

Nanney v. Hooks, 1:19-cv-215-FDW (W.D.N.C. Aug. 7, 2019).

“Under Rule 8(a)(2) and the Second Circuit’s opinion in *Iqbal*, speculative or conclusory claims included in a complaint must be supported by sufficient factual allegations to render them plausible, and to inform a defendant of the accusations brought against him. 490 F.3d at 157-58.” [*Iqbal v. Hasty*, 490 F.3d 143 (2d Cir. 2007)]

Samuel v. Bellevue Hospital Center, 07 Civ. 6321 (NRB) (S.D.N.Y. Aug. 21, 2008)

***COUNTER-PLAINTIFF’S COUNT 2
AGGRIVATED [sic] HARASSMENT***

39. As expressed by the presiding judge, Hon. Valerie Caproni, in Doc. 87 pg. 6, Goodman, acting as a private citizen, cannot bring criminal claims, or private actions sounding in criminal claims, against the undersigned.

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40. “A private citizen may not prosecute a criminal action in federal court. See *Leeke v. Timmerman*, 454 U.S. 83, 86 (1981) (per curiam). (reaffirming that “a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another”).

41. The Defendant cites New York Penal Law § 240.30 against the Plaintiff/Counter-Defendant which is a criminal statute and offers no private right of action to recover damages. There are no civil remedies available to the Defendant in this regard.

42. In sum, the Court may have no jurisdiction over this claim invoking a criminal statute and should consider dismissal pursuant to Fed. R. Civ. Proc. 12(b)(1).

***COUNTER-PLAINTIFF’S
COUNT 3 CIVIL CONSPIRACY***

43. The Defendant is left without a primary tort – defamation and/or defamation per se. By his own admission, *Sepenuk v. Marshall*, No. 98 Civ. 1569 (RCC) (S.D.N.Y. Dec. 8, 2000) forecloses the Defendant’s “civil conspiracy” claim.

“It is textbook law that New York does not recognize an independent tort of conspiracy. See *Sado v. Ellis*, 882 F. Supp. 1401, 1408 (S.D.N.Y. 1995). **If an underlying, actionable tort is established**, however, plaintiff may plead the existence of a conspiracy in order to demonstrate that each defendant's conduct was part of a common scheme. See *AM Cosmetics Inc. v. Solomon*, 67 F. Supp.2d 312, 322 (S.D.N.Y. 1999); *Litras v. Litras*, 254 A.D.2d 395, 681 N.Y.S.2d 545, 546 (2d Dep’t 1998).” [emphasis added]

44. “[C]onclusory allegations are insufficient to withstand a motion to dismiss.” See *Giaccio v. City of New York*, 2005 WL 95733, *5, (S.D.N.Y. Jan. 19, 2005) (citing *Straker v. Metro. Transit Auth.*, 333 F.Supp.2d 91, 102 (E.D.N.Y. 2004),” *Goonewardena v. New York*, 475 F. Supp. 2d 310 (S.D.N.Y. 2007).

***COUNTER-PLAINTIFF’S EXTRANEOUS
ALLEGATIONS AND COMMENTARY***

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45. In several introductory paragraphs (see para. 4 to 8, # 122) Goodman accuses the Plaintiff/Counter-Defendant of “entering into a verbal agreement” with a multitude of parties generally related to the Virginia lawsuit troupe of characters. This troupe includes: Manuel Chavez, III of Carson City, Nevada, Tyrone Simpson (believed to be the brother-in-law of legal counsel of the plaintiff’s attorney in the Virginia lawsuit and Nathan Stolpman. The Defendant/Counter-Plaintiff continues beat this “dead horse” of the Virginia lawsuit troupe conspiracy theory that has been refuted time and time again.

46. In his Counter-Claim [# 122] papers Goodman continues to complain of some conspiracy to interfere with his business, and personal life, etc. Once again, this “dead horse conspiracy” – which has nothing to do with the Plaintiff/Counter-Defendant (undersigned) -- was determined to be the paid centered on a political operative who is well known to Goodman -- Manuel Chavez, III of Carson City, Nevada (aka “DEFANGO”).

47. This conspiracy of “filing simultaneous lawsuits” against Goodman was openly admitted to by Mr. Chavez and orbits around the involvement of Mr. Chavez with the Virginia lawsuit troupe of players – which includes: Virginia federal lawsuit plaintiff (Robert David Steele), plaintiff’s attorney (Steven Scott Biss) and several others. As publicly stated by Chavez the Virginia attorney had authored a draft complaint on behalf of Chavez for filing in the courts of the State of Arizona in October 2017 – to coincide with the federal lawsuit in Virginia lawsuit. Chavez has transmitted e-mail messages to the Defendant/Counter-Plaintiff to demonstrate this confederation. None of these e-mail messages indicate the undersigned’s involvement.

48. These electronic mail messages have demonstrated that the Plaintiff/Counter-Defendant (undersigned) had no relationship with Mr. Chavez in this regard, nor with the plaintiff (Steele)

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or the plaintiff's lawyer (Steven Scott Biss, 300 West Main St, Ste 102, Charlottesville, VA 22903, 804-501-8272, Fax: 202-318-4098, Email: stevenbiss@earthlink.net), or the spouse of Mr. Biss (Tanya Biss aka Tanya Cornwell) or the purported brother-in-law of Mr. Biss (Tyrone Simpson aka "Frank Bacon"). Sworn statements have been produced in the Virginia lawsuit by the plaintiff and his attorney attesting to this fact. Goodman knows this; but, nonetheless has proffered these worn out "dead horse" theories and beliefs upon this Court in an act of **bad faith**. The latest DECLARATION (one of nearly dozens) from the Virginia lawsuit is attached as **EXHIBIT ONE** to this pleading.

49. Defendant/Counter-Plaintiff Goodman has engaged in extensive e-mail and telephone communication with Manual Chavez, III as reported by Chavez on social media (Chavez aka "DEFANGO" who is presently associated with something known as the "MAGA Coalition"). The Defendant/Counter-Plaintiff was recorded discussing litigation strategy with Mr. Chavez as described in **para.s 20 to 23** in the attached **EXHIBIT TWO** to this pleading.

GOODMAN: "He's been working with Robert David Steele, you were working for Robert David Steel, at the time, Sweigert (Plaintiff) was working with you, Tyrone Simpson was working with you and Sweigert and these are the elements of the conspiracy."

CHAVEZ: "Yeah, I mean you got the conspiracy down pretty well. I mean. I will send you everything that shows my Patreon and she (attorney's wife) was paying me on Patreon for sure. But, was I working in concert with Dave Acton (Plaintiff) and those guys, yeah, f_ck it, why not. I will say whatever. (Laughter)."

50. In fact, via public announcements by Chavez, he has forwarded to Goodman AND the Plaintiff/Counter-Defendant ALL electronic mail messages in his possession that demonstrated communications between Chavez and other Virginia lawsuit troupe players; such as: Simpson (aka "Frank Bacon"), the plaintiff's attorney (Biss, esq.), Mr. Biss's wife (Tanya Cornwell) and

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the plaintiff (Steele). Strangely the name of Thomas Schoenberger (an associate of Manuel Chaves, III) has been dropped from the Defendant/Counter-Plaintiff's list of co-conspirators. This set of Chavez e-mail communications contains no references to the undersigned, nor includes an e-mail address for the undersigned nor presents any other plausible connection.

51. For clarity the Court is reminded of **EXH. C** to his papers (# 122) to the Counter-Claim papers that provides the "dead horse conspiracy of players" (pg. 50, # 122):

"Robert David Steele, (hereinafter "Plaintiff" or "Steele") Counsel for Plaintiff, Steven S. Biss, (hereinafter "Biss") his paralegal wife Tanya Cornwell (hereinafter "Cornwell"), denied intervenor applicant David George Sweigert (herein after "Sweigert"), his brother George Webb Sweigert (herein after "Webb") and an individual named Manuel Chavez, III (hereinafter "Chavez") have conspired with one another as well as others to bring this instant legal matter in conjunction with additional lawsuits in foreign jurisdictions in order to harass, defame and otherwise disrupt the business and day to day activities of the Defendant Goodman."

52. The only proof of any connection between the Plaintiff/Counter-Defendant and any of these parties associated with the Virginia lawsuit troupe of players is a chance "multi-party call" from an Internet radio call-in show that is attached as **EXH. A** (# 122) to the Counter Claim papers. Supposedly, this "video call" is a record of an Internet call-in show discussing matters of public concern which supposedly took place sometime in December 2017 (according to the Defendant/Counter-Plaintiff). During this "call-in" show matters were discussed – apparently – about the lack of accountability attributed to Defendant/Counter-Plaintiff and George Webb Sweigert for the June 14th, 2017 Port of Charleston, S.C. "dirty bomb hoax". These remarks seem to include George Webb Sweigert as much as Jason Goodman.

53. According to Defendant/Counter-Plaintiff a "verbal agreement" was entered into by Sweigert and Simpson (para. 8, # 122) during this alleged Internet radio call-in show. There is no reference by the Defendant/Counter-Plaintiff to any part of this "call-in show" where this

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purported verbal agreement was discussed, negotiated, accepted or ratified. Indeed, EXHIBIT A is a jumble of call-in show remarks which appear to contain numerous errors and omissions created by the translation software. Goodman cites “[d]uring the call, Simpson suggests the social media network Steemit.com as the “best way to get JG”” (para. 8, #122).

54. The Defendant/Counter-Plaintiff must demonstrate that such remarks during a call-in show discussing matters of public concern have caused him some harm. He has not.

55. The Defendant/Counter-Plaintiff proffers, “Sweigert agrees, responding to Simpson’s offer “[a]lright, ok we can do that.”” Thus, according to the Goodman, one Tyrone Simpson (Biss, esq. brother-in-law) is offering the use of the social media platform Steemit.Com to somehow reward, compensate or pay the Plaintiff/Counter-Defendant for his alleged role in writing letters with “Steemit” dollars, which the undersigned has never received. Further, the so-called “Steemit” account created by Simpson for the undersigned has been inactive for almost two years.

56. The Defendant continues “[t]his is an open admission of his eagerness to violate 40 N.Y. Con. Laws Ann. § 240.30 Aggravated harassment in the second degree, and his commitment to doing so is shown by his overt actions over the months that followed.” (para. 8, #122).

Defendant Goodman provides no details on these mysterious “*overt acts*”.

57. Even if the Court assumes this allegation to be true, it places the issue squarely back into the private enforcement of criminal statutes. The Defendant / Counter-Plaintiff believes that these call-in show remarks (para. 8, #122) are of a criminal nature and violate aggravated harassment laws. If so, this is a matter for law enforcement, and it is telling that Defendant Goodman appears to have made no contact with law enforcement about these issues – except for his purported contact with the New York field office of the Federal Bureau of Investigation

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(F.B.I.) and/or the New York City Police Department (N.Y.P.D.). If true, then Defendant/Counter-Plaintiff Goodman has exhausted his remedies for seeking satisfaction of a purported criminal charge and cannot attempt to litigate these criminal issues in this Court.

58. At paras. 13 – 14 (# 122), Goodman recites a completely irrelevant phone message left by Simpson – an individual who has no connection with the undersigned save for participating in a chance encounter on an Internet call in show “sometime in December 2017”. Again, Defendant Goodman asserts that the phone call is a “direct violation of 40 N.Y. Con. Laws Ann. § 240.30 Aggravated harassment in the second degree.”.

59. In an astonishing stretch of logic, para. 18 (# 122) of the Counter-Claim papers condemns the Plaintiff/Counter-Defendant for reporting crimes to appropriate law enforcement agencies such as the U.S. Coast Guard. This is the exact behavior that the Defendant/Counter-Plaintiff purportedly had undertaken to contact the **F.B.I./N.Y.P.D.** about the Plaintiff/Counter-Defendant (and others in the “vast conspiracy” of the Virginia lawsuit troupe of players) in April 2018. Again, no specific instances are provided except for a letter to the U.S. Coast Guard Captain of the Port for the Port of New Jersey and New York (**EXH. D, #122**).

60. Paragraphs **20 thru 26** are highly speculative theories and conclusions proffered by the Defendant / Counter-Plaintiff. These paragraphs offer no actionable allegations under any cognizable law and are conclusory in nature. These paragraphs include statements such as “Sweigert attempts to pass off his false and defamatory statements as legitimate “news”” (para. 20), “[i]t is Counter – Plaintiff’s belief .. cause him to do this in an effort to avoid disclosing information during discovery” (para. 21), “[w]hile Goodman’s process is open, honest and unwavering, Sweigert relies on deception, hiding information and frequent changes of names, addresses and tactics to confuse others and complicate civil litigation related to the information”

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(para. 21), “Sweigert is in a regular practice of deleting, destroying, hiding or otherwise removing public access to recordings or records of his false and defamatory statements against Goodman” (para. 22), etc. All these statements offer a conclusory determination with no factual foundation.

“To survive a motion to dismiss under Rule 12(b)(6), 'a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Iqbal, 556 U.S. at 678 (quoting Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)). Legal conclusions are not entitled to the presumption of truth, and a court assessing the sufficiency of a complaint disregards them. Id. Instead, the Court must examine only the well-pleaded factual allegations, if any, "and then determine whether they plausibly give rise to an entitlement to relief." Id. at 679. The Complaint must include non-conclusory factual allegations that "nudge[]" its claims "across the line from conceivable to plausible." Id. at 680 (quoting Twombly, 550 U.S. at 570).” *Murray v. City of N.Y.*, 16-cv-8072 (PKC) (S.D.N.Y. Aug. 16, 2017)

61. In **para. 20** Defendant Goodman claims that “Sweigert continues to make false statements and false accusations nearly daily on a newly launched blog ...”. Yet, the Defendant cannot provide this Court one example of these “*daily false statements*”, making this allegation non-actionable under New York law.

“To state a claim for defamation, a plaintiff must allege: (1) a false and defamatory statement, (2) published without authorization to a third party, (3) constituting fault as judged at minimum by a negligence standard, and (4) causing special damages or constituting defamation per se. *Bernstein v. Seeman*, 593 F. Supp. 2d 630, 635 (S.D.N.Y. 2009).”

Williams v. Metro N. R.R., 16 Civ. 1141 (LAK) (JCF) (S.D.N.Y. Aug. 17, 2016)

62. In **para. 21** Goodman accuses Plaintiff/Counter-Defendant (undersigned) of things that are simply not actionable in a court of law. The issue of frequent moving and changes in mailing addresses are proffered by the Defendant without the accompanying explanation that the Plaintiff/Counter-Defendant finds this conduct justifiable as Goodman has issued several calls to

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physically find the Plaintiff/Counter-Defendant while he resided in Mount Shasta, California (see period of April – May, 2018).

63. As fully explained in the Virginia litigation Goodman issued several social media podcasts with his sidekick Quinn Michaels (aka Korey Atkin) to physically locate the Plaintiff/Counter-Defendant and thus “#STOPTHESACRIFICE”. This widely disseminated social media meme narrative (#StopTheSacrifice) pushed by the Defendant and his sidekick Quinn Michaels accused the Plaintiff/Counter-Defendant of participating in a Satanic cult that was about to sacrifice children on June 14, 2018 (the original filing data of this instant litigation and the one-year anniversary of the Port of Charleston, S.C. “dirty bomb hoax”) unless the undersigned was forcibly stopped. A general “*Call To Action*” (CTA) was pushed by Quinn Michaels – acting as an agent of the Defendant (who ratified the CTA calls) – to recruit volunteers to locate the physical whereabouts of the Plaintiff/Counter-Defendant. At the time Mr. Michaels / Atkin was in the Mount Shasta, California vicinity conducting interviews of residents in attempts to locate the Plaintiff/Counter-Defendant.

64. Quinn Michaels was successful in locating a volunteer fire fighter (“Kyle”) that the undersigned had worked with and attempted to have him enrolled in Emergency Medical Technician training in Mount Shasta, California. Michaels then made a series of broadcasts divulging information about the undersigned based on information provided by “Kyle”. Again, Goodman ratified and endorsed this level of conduct by his agents and proxies – like Quinn Michaels (presently under a “keep away” restraining order to protect his teenage son who Michaels has threatened over the Internet on dozens of occasions).

65. During this time period (April – May 2018) “Queen Tut”, aka Susan B. Homes aka Susan Lutzke of Fort Collins, Colorado has contacted the undersigned and advised him that his life was

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in danger and that Goodman was attempting to locate his physical whereabouts to have a “hit” arranged on the Dark Web. “Queen Tut” is a former CrowdSource The Truth podcast sidekick who is also a co-defendant in the Virginia lawsuit.

66. Paragraph 24 (# 122) is a further continuation of Goodman’s conclusory statements. “Sweigert utilizes, intelligence and other deceptive tactics to communicate with an active dynamic network of co-conspirators who have themselves engaged in overt acts in the furtherance of this conspiracy. This is done while deliberating creating the illusion that these co-conspirators are independent operators.” In all this hyperbole there is no underlying tort cited by the Defendant / Counter-Plaintiff. “New York law does not recognize a right of civil action for conspiracy. See *Dickinson v. Igoni*, 76 A.D.3d 943, 945, 908 N.Y.S.2d 85, 88 (2d Dep’t 2010) (“[A] claim alleging conspiracy to commit a tort stands or falls with the underlying tort.”). *Castro v. Cusack*, 15-cv-6714 (ENV) (LB) (E.D.N.Y. Jul. 16, 2019).

67. In paragraph 25 (# 122) it is more of the same. “Sweigert’s overt actions in spoliating evidence and removal of public social media posts or communications is intended to complicate civil litigation and to frustrate Goodman’s attempts to counteract Sweigert’s devious and damaging actions.” Here the Defendant / Counter-Plaintiff “is simply “rely[ing] on conclusory allegations or unsubstantiated speculation.” In re Celestica Inc. Sec. Litig., 2014 WL 4160216, at *4.” *NEM Re Receivables, LLC v. Fortress Re, Inc.*, 173 F. Supp. 3d 1 (S.D.N.Y. 2016).

68. Paragraphs 28 through 33 have nothing to do with the Plaintiff/Counter-Defendant – perhaps except for para. 31. The bulk of this section of the Counter-Claim papers makes allegations against Steve Outtrim, a third party to this litigation.

69. Paragraphs 38 through 52 contain a breathtaking list of “co-conspirators” to include “Queen Tut” and the Virginia lawsuit troupe of players. The usual suspects have been included

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by Goodman: George Webb Sweigert, Steele, Biss, esq., Patricia Negron (a former CrowdSource The Truth” sidekick and defendant in the Virginia litigation), Oakey Marshall Richards, aka Deep Uranium, aka Rock Hudson of Hudson Intelligence Group (a former CrowdSource The Truth” sidekick), Cornwell, Chavez, Steve Outtrim, Simpson, Stolpman, Marion Rapp, Dean Fougere, aka “TITUS FROST”, etc.. In sum, this is the implausible vast conspiracy of individuals that are working against the Defendant Counter-Plaintiff.

70. Paragraphs 58 through 68 contain another ad nauseam retelling of irrelevant events related to the Port of Charleston, S.C. “dirty bomb hoax” on June 14th, 2017. There is no cognizable action that this Court could take based on this section of the Counter-Claim papers.

CONCLUSION

71. The Defendant/Counter-Plaintiff has presented non-meritorious claims that should be dismissed. The Defendant’s attempt to introduce issues orbiting the New York Penal Code (considering the presiding judge’s ORDER (# 87)) speaks to bad faith, as the Goodman has already had adequate notice that private citizens can not seek a private remedy for the alleged commission of crimes via the presiding judge’s ORDER (# 87).

72. This Court need not credit Defendant/Counter-Plaintiff "conclusory allegations [and] unsubstantiated speculation" that something more nefarious has occurred than a private party (undersigned) has engaged in counter-speech to protect his business, trade and technical reputation.

73. The Defendant’s unclear and disjointed descriptions of the implausible vast conspiracy of the Virginia lawsuit troupe of players does not lead this Court to any actionable issues. There are brief portions of the Counter-Claim papers (# 122) that, construed very liberally, could

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

conceivably give rise to discrete claims against any person on social media that publicly criticizes Goodman in any manner.

74. Despite multiple attempts in this Court, and the Virginia court, to properly plead his “vast conspiracy theory”, nothing in the Counter-Claim papers (# 122) can support any conclusion other than the conclusory allegations in the Counter-Claim papers are baseless. Although the Defendant very likely believes that he is a victim of a vast conspiracy involving the Plaintiff/Counter-Defendant (undersigned) that claim is utterly implausible, which is no doubt why there are no – or very little – facts pleaded which could support it.

75. ““A finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible whether or not there are judicially noticeable facts available to contradict them.” *Denton v. Hernandez*, 504 U.S. 25 (1992).” *Tehrani v. Town of Oyster Bay Hous. Auth.*, 18-cv-2450 (BMC) (LB) (E.D.N.Y. Apr. 9, 2019).

76. Taken as a whole, the conspiracy allegations in the Defendant’s/Counter-Plaintiff’s Cross-Claim papers (complaint [# 122]) are too vague, disjointed, and implausible to state a plausible claim for relief as required by Fed.R.Civ.Proc. 12(b)(6).



***D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org***

12.12.19

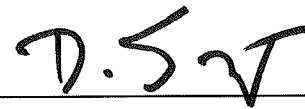
SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

CERTIFICATE OF SERVICE

I HEREBY ATTEST that a true copy of the attached pleadings have been sent to the following addressees on the 12th day of December 2019 via prepaid First Class U.S. Mail.

**Jason Goodman, CEO
Multi-media Design Systems, Inc.
252 7th Avenue, Apart. #6S
New York, NY 10001**

**PRO SE OFFICE, Room 200
U.S. District Court
500 Pearl Street
New York, New York 10007-1312**



**D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org**

12.12.19

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

**U.S. DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
(FOLEY SQUARE)**


D George Sweigert <u>Plaintiff</u> v. Jason Goodman <u>Defendant</u>	CIVIL CASE #: 1:18-CV-08653-VEC JUDGE VALERIE E. CAPRONI MAGISTRATE STEWART D. AARON
---	---

EXHIBITS

**TO ACCOMPANY PLAINTIFF'S MEMORANDUM OF LAW
TO SUPPORT MOTION IN OPPOSITION TO DEFENDANT'S COUNTER-CLAIM
PAPERS (DOC. No. 122) PURSUANT TO RULE 12(b)(6) FAILURE TO STATE A
CAUSE, OR, IN THE ALTERNATIVE, RULE 12(b)(1) LACK OF JURISDICTION**

These **EXHIBITS** are submitted in response to the Defendant's pleading papers (**Dkt. No. 122**) which is styled as a "**COUNTER-CLAIM**"

I hereby certify that the attached pleadings are truthful and accurate (to the best of my knowledge) and are not submitted for the purposes of oppression of the Defendant. Signed this 12 day of December, 2019.


**D. G. SWEIGERT, C/O
GENERAL DELIVERY
ROUGH AND READY, CA 95975
Spoliation-notice@mailbox.org**

12.12.19

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

EXHIBIT ONE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

ROBERT DAVID STEELE)

et al)

Plaintiffs,)

v.)

Case 3:17-cv-601-MHL

JASON GOODMAN)

et al)

Defendants.)

DECLARATION OF ROBERT DAVID STEELE

Robert David Steele, under penalty of perjury, states as follows:

1. I am over 21 years of age and otherwise competent to make this Declaration. I have personal knowledge of the statements contained herein based upon (a) documents and information in my possession and control, (b) my personal observations, memory, and experiences, (c) public information and statements by Defendant, Jason Goodman, on YouTube and on Twitter, and (d) documents known or reasonably believed to be in the possession, custody and control of others. The statements in this Declaration are true and accurate to the best of my knowledge, information and belief.

2. I am one of the Plaintiffs in this action. I engaged Steven S. Biss to be Plaintiffs' counsel in this action.

3. I have reviewed Defendant Goodman's motion to disqualify Plaintiffs' counsel. I absolutely deny his "statement of facts" or that there is any basis to disqualify my counsel of choice. In response, I state as follows:

- a. There is no conspiracy to bring any legal action against Goodman;
- b. I have never agreed, combined or acted in concert with anyone to extort, harass, defame or disrupt Goodman's business and day-to-day activities;
- c. There is no plan to bring multiple lawsuits against Goodman;
- d. I have never spoken to my counsel or his wife about bringing multiple lawsuits against Goodman;
- e. I am not in contact and have no relationship of any kind with any of my counsel's other clients;
- f. My counsel's wife played no part in drafting the complaint or amended complaint in this case, and has played no role on this litigation;
- g. I did not pay any money to Chavez while encouraging him to bring a lawsuit against Goodman;
- h. I did not ever ask or encourage Chavez to produce false evidence about Goodman or supply any such evidence to my attorney;
- i. I did not ever received any false or fabricated evidence from Chavez or offer him a percentage of any recovery in this case if he provided such evidence;
- j. I have no knowledge and was not involved in any way in drafting Chavez' lawsuit against Goodman, and I was not aware that Chavez allowed the statute of limitations to expire;
- k. I have never seen EXHIBITS A, D, E, F or G to Goodman's motion, and do not know if these documents are authentic;
- l. I was not involved in drafting and have no first-hand knowledge of the document attached to Goodman's motion as EXHIBIT H.

4. I have reviewed Plaintiffs' memorandum in opposition to Mr. Goodman's motion to disqualify, and I swear or affirm that the factual statements contained in the memorandum are truthful and accurate to the best of my knowledge and belief.

In accordance with 28 U.S.C. § 1746, I declare, certify, verify, and state under penalty of perjury that the foregoing is true and correct.

Executed in Oakton, Virginia, on December 9, 2019.

/s/

ROBERT DAVID STEELE

SWEIGERT V. GOODMAN, CIVIL CASE #: 1:18-CV-08653-VEC - SDA

EXHIBIT TWO

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MATTER: STEELE v. GOODMAN, 17-CV-00601-MHL

D.G. Sweigert, c/o
P.O. Box 152
Mesa, AZ 85211
Spoliation-notice@mailbox.org

July 11, 2019

Jason Goodman, CEO
Multimedia Systems Design, Inc.
252 7th Avenue
Suite 6-S
New York, NY 10001

Clerk of the Court, Room 3000
U.S. District Court
701 E. Broad St.
Richmond, VA 23219

MATTER: **STEELE v. GOODMAN, 17-CV-00601-MHL**

District Judge M. Hannah Lauck

SUBJECT: **PART ONE: ATTEMPTED FRAUD ON THE COURT BY
DEFENDANT GOODMAN VIA ECF DOC. NO. 139**

REF: (a) **MANUAL CHAVEZ, III (DOB 03/21/1986), AZ DL DO1566834**

Good Morning:

1. This letter addresses the false misrepresentations that you continue to present to this honorable Court based on insufficient tainted evidence that has been created with the cooperation of your CrowdSource The Truth (CSTT) side kick, see ref: (a), known as “DEFANGO”.

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION
MATTER: STEELE v. GOODMAN, 17-CV-00601-MHL

2. Your attention is kindly directed to ECF Doc. No. 139, para. 20, shown below.

24 | key themes propagated by various Internet-based sources.
25 | 20. As previously submitted in these proceedings, (ECF No. 78 EXHIBIT I) Intervenor
26 | Application D. George Sweigert, telephone Manuel Chavez III, making substantially the
27 | same claim, falsely stating that Defendant Goodman was paid by Black Cube
28 | DEFENDANT'S AMENDED RESPONSE TO PLAINTIFF'S MOTION FOR RULE 11 SANCTIONS - 11

Case 3:17-cv-00601-MHL Document 139 Filed 07/08/19 Page 12 of 119 PageID# 2376

1 | (<http://www.blackcube.com>) a private intelligence firm in the UK comprised of former
2 | Mossad agents and operatives, according to their own public website.
3 | 21. On or around June 2019, Manuel Chavez III voluntarily shared some of his personal

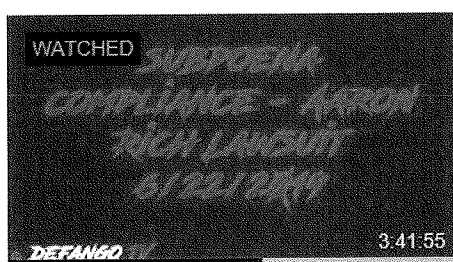
3. Please take note of the following litigation in which ref: (a) (DEFANGO) is a witness:

**U.S. District Court
for the District of Columbia
RICH v. BUTOWSKY et al
CASE #: 1:18-cv-00681-RJL
Judge Richard J. Leon**

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MATTER: STEELE v. GOODMAN, 17-CV-00601-MHL

4. In recent YouTube video productions distributed by ref: (a) (DEFANGO) it has been clearly stated by ref: (a) that he was a member of a group of “reputation protection” operatives allegedly directed by Matt Couch (defendant in the above cited action). Ref: (a) has distributed in a widely pervasive manner, electronic messages from Matt Couch to support his testimony in the above cited litigation. Ref: (a) has also been vocal about evidence that he has furnished to you as well. See below:



subpoena compliance - Aaron Rich Lawsuit -
defango tv 6/22/2019

Defango TV

Streamed 1 week ago • 1,632 views

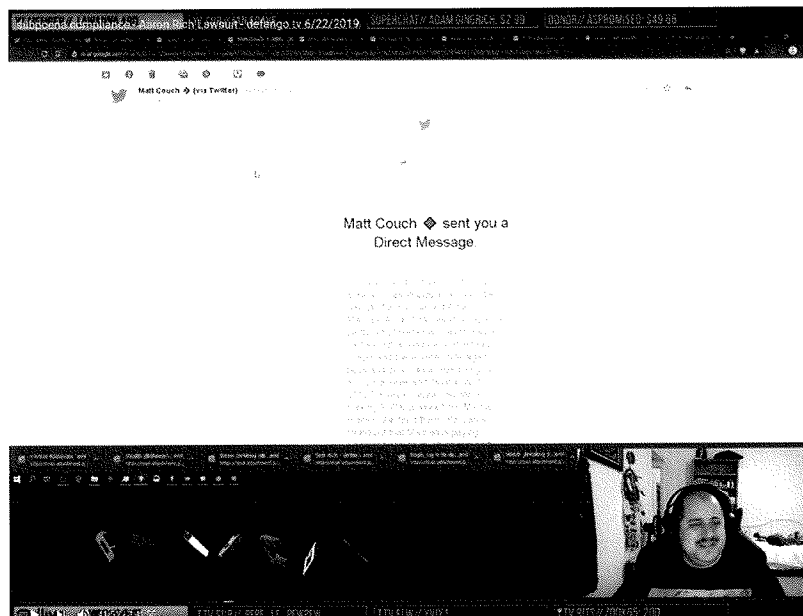
Well it's time do Comply with this Aaron Rich Lawsuit Subpoena. I think a few people are going to really dislike this stream but it's ...

Streamed live on Jun 22, 2019

Well it's time do Comply with this Aaron Rich Lawsuit Subpoena. I think a few people are going to really dislike this stream but it's for Court Records and whatnot. So we are getting everything on the table and building the files to FTP to the Lawyer. Any striking or anything is going to be interfering with a federal case.

Internet URL: <https://www.youtube.com/watch?v=pB7NjF1ApZg&t=7427s>

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
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Matt Couch ♦ sent you a
Direct Message.

You didn't get this from me. from a
Source. Jason Goodman is on the
payroll of a man named Arnan
Milchan. Arnan has Jason doing work
partly out of blackmail. Jason was at
parties with a producer named Brian
Singer and there were underage
boys and girls. Jason was being paid
\$2,798 a week and its now up to
\$2500 a week. Laura Loomer is
making \$7000 a week from Milchan.
Black Cube feed them info. Jason
found out that Milchan is paying

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
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do not tell anyone how you got this info. Goodman's job is to deflect attention from Rahm Emanuel, Chuck Schumer and DWS. Rahm secretly paid Pakistani prosecutors 3 million in hush money in March 2009 to make a ton of fraud charges go away. The money came from Israel. The Awan's have been spying for Israel since 2007-2008 with Schumer as the king pin. Now Milchan works with a guy named Avi Hersh. I know you and T and others know some of this stuff, but now you know the full story. Also, Alan Dershowitz has over 7 hours of Orgy Island vid hidden and his vid file is called Insurance, the same name as Schumer's boy Anthony Wiener. Please keep my name out of this. I focus on Vegas and **Seth**. But this is blow away stuff. Goodman will freak when you expose this. It comes directly from a CIA guy on our team.

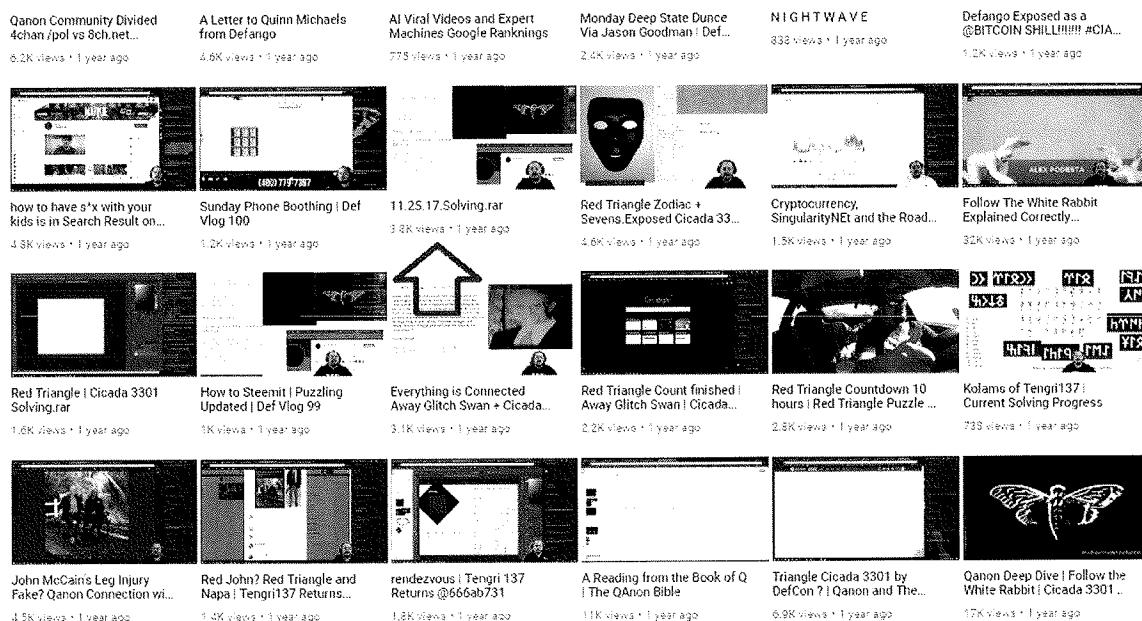
5. The enlarged video screen-shot from the above video content demonstrates that the source of the "Black Cube rumor" was apparently Matt Couch – and NOT the undersigned as you continuously report. As discussed in the previous letter on this subject, dated June 30th, 2019, you have implicated the undersigned as the source of the "Black Cube" rumor. To refresh your memory the rumor states that you and Laura Loomer were being paid by a Black Cube operative, stated by ref: (a) (DEFANGO) and NOT by the undersigned.

**UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
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6. As you can see by the above screen-shot evidence, Matt Couch was the source of this “Black Cube” rumor. This rumor was distributed by ref: (a) (DEFANGO) on his own volition. The undersigned has nothing to do with the promulgation of this “Black Cube” rumor. The reverse is true, the entire matter was the sole responsibility of ref: (a), who is your CSTT side-kick. Your insinuations in ECF Doc. No. 139, para. 20 that the undersigned promulgated this rumor are false and an example of your unrelenting fraud.

7. Recall that the offending “Black Cube” rumor remarks were made by ref: (a), reported by you in EXHIBIT I (no. 9 in ECF) of ECF Doc. No. 78, which is cited by you in para. 30 of ECF Doc. No. 139 (see video entitled *11.25.17.Solving.rar*). These remarks were NOT made by the undersigned.



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Streamed live on Nov 25, 2017
Long day of puzzling and work

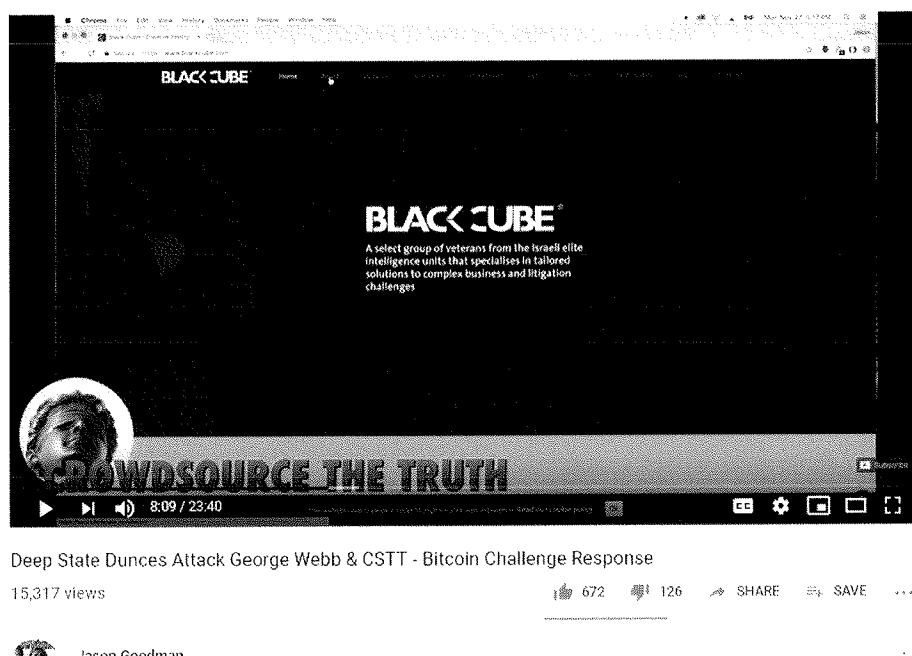
Internet URL: <https://www.youtube.com/watch?v=jK73oCxCGOE&t=4363s>

8. Ref: (a) (DEFANGO) promulgates the *Black Cube rumor* as seen in the video that appears below.

REF: (A). 01.12.22. It's really crazy to me too .. I was picking up on something .. uh .. **Black Cube**. And, like I had gotten some information about . like .. some information from quote unquote "CIA source" that was talking about how Loomer and – what's his name – **Goodman were getting paid by some Black Cube, some Black Cube operative**. And then it started clicking in my head.
[emphasis added]

9. It is instructive to note that you specifically featured the Black Cube corporate web-site in your video production distributed in a widely pervasive manner two (2) days after these *Black Cube rumor* remarks were made public by ref: (a) on 11/25/2017 (see below).

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Deep State Dunces Attack George Webb & CSTT
- Bitcoin Challenge Response

Jason Goodman

Streamed 1 year ago • 15,315 views

The dumbest affiliates of the Deep State simply will not give up their ludicrous attacks on the truth, while simultaneously offering ...

Streamed live on Nov 27, 2017

The dumbest affiliates of the Deep State simply will not give up their ludicrous attacks on the truth, while simultaneously offering no evidence to support their claims.

Internet URL: <https://www.youtube.com/watch?v=GNxCk6nqFJg>

10. Below is a transcript of your comments as recorded in the above cited video.

GOODMAN. 07:57. They'll put out a video that where they'll say 'oh yeah, Jason Goodman is working for **Black Cube**. Now I will tell you something. I had no idea what Black Cube was, before these guys made a video about it.

[emphasis added]

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
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11. Your CSTT side-kick DEFANGO (ref: (a)) is the sole purveyor of this *Black Cube rumor* – NOT the undersigned. This point is amplified in the STEEMIT post created during the time period in question by ref: (a) (DEFANGO) (see below).

Black CUBE Jason Goodman



defango (64) ▾ in news • 2 years ago

Jason Goodman, you want to play old west gunslinger with peoples reputations? Been building a case on you since you asked me to look you up. , and your connections to child pedophiles, and Mossad.

CIA SOURCE: Deep Throat confirmed by @frankbacon

Jason Goodman is on the payroll of a man named Arnan Milchan. Arnan has Jason doing work partly out of blackmail. Jason was at parties with a producer named Brian Singer and there were underaged boys and girls. Jason was being paid \$2.788 a week and its now up to \$3500 a week. Laura Loomer is making \$7000 a week from Milchan. Black Cube feed them info. Jason found out that Milchan is paying Loomer twice as much as him and thats why they had this fight. Please do not tell anyone how you got this info. Goodman's job is to deflect attention from Rahm Emanuel , Chuck Schumer and DWS. Rahm secretly paid Pakistani prosecutors 3 million in hush money in March 2009 to make a ton of fraud charges go away. The money came from Israel. The Awan's have been spying for Israel since 2007-2008 with Schumer as the king pin. Now Milchan works with a guy named Avi Hersh. I know you and T and others know some of this stuff, but now you know the full story. Also, Alex Danchevitz has over 7 hours of Qaza Island

Internet URL: <https://steemit.com/news/@defango/black-cube-jason-goodman>

32. Chavez is an associate of Intervenor Applicant and has been paid by Intervenor Applicant and has received direct instructions from Intervenor Applicant. Intervenor Applicant operates a YouTube channel under the account name "Prepper Kitty Intel PKI". Many exhibits in this instant legal matter have referenced this YouTube account. YouTube username Prepper Kitty Intel has paid Chavez via YouTube Superchat (**EXHIBIT I**)

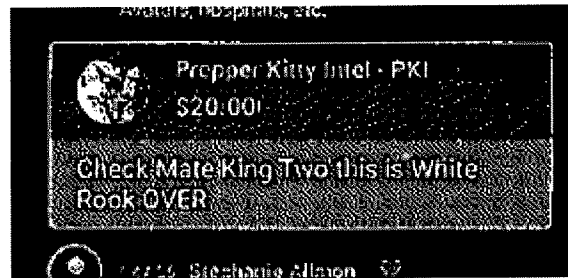
Case 3:17-cv-00601-MHL Document 139 Filed 07/08/19 Page 112 of 119 PageID# 2476

[illegible]

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RICHMOND DIVISION

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14. **EXHIBIT I** (ECF Doc. No. 139) is a screen shot of an apparent DEFANGO TV YouTube podcast (see above). The “super-chat” portion of the video screen shot appears below.



15. According to your pleading, you want this Court to believe that the alleged illustrated \$20.00 “super chat” donation to DEFANGO TV (displayed in the unauthenticated exhibit – see above), with the text “Check Mate King Two this is White Rook OVER”, provides evidence that “Chavez is an associate..”[of undersigned] and “Prepper Kitty Intel has paid Chavez...”. [\$20.00].

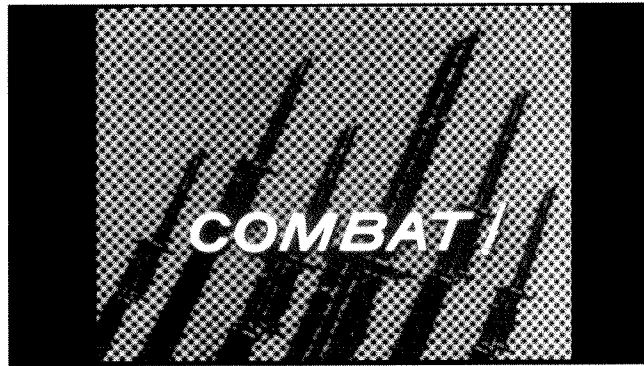
16. At the outset, there is no Internet URL Internet address provided in **EXHIBIT I**, ECF Doc. No. 139. By NOT providing the correct evidentiary basis for this “exhibit” (which has been explained to you via letters in this litigation and other litigation) this exhibit is moot.

17. There are other issues associated with your ECF Doc. No. 139, para. 20 (see above). There are legal insufficiencies associated with your “evidence”, for example: (i) whether or not the purported *evidence* you propound rises to the level of sufficiency in the light of the Federal Rules of Evidence (F.R.E.), and (ii) your use of hearsay and guilt by association in an attempt to attribute *Black Cube rumor* comments to the undersigned and NOT to ref: (a) (DEFANGO) (as broadcast in the video you have described as **EXHIBIT I**, to ECF Doc. No. 78). This is a falsehood and an attempt to mislead the Court.

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18. In sum, you expect the Court to believe that an alleged public “super-chat” donation of a \$20.00 donation to ref: (a) (DEFANGO) 30-45 days ago is the equivalent of the alleged private (non-public) \$1,500.00 PATREON donation made by “AMABISS” to ref: (a) (DEFANGO) purportedly made 18 months ago. You have misrepresented these facts to the Court to Y promote the fallacy that the undersigned is working with members of the DEFANGO conspiracy.

19. Caveat: for your information “**Check Mate King Two this is White Rook OVER**” (which appears in the above illustrate “super-chat” text) is a comical reference to the radio call signs used in the 1960’s World War II drama television series “COMBAT” starring Rick Jason and Vic Morrow. Below is an example of the television show.



COMBAT! s.1 ep.3: "Lost Sheep, Lost Shepherd" (1962)

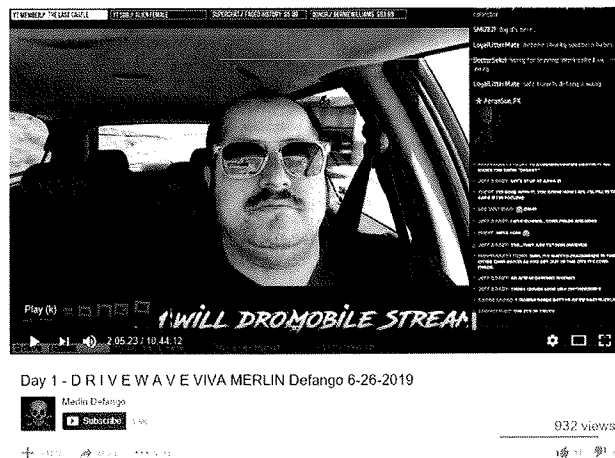
Internet URL: <https://www.youtube.com/watch?v=r35lw9CWk-g&t=24s>

20. Your attention is directed to the following YouTube channel named “MERLIN DEFANGO”, which is maintained by ref: (a) (see below).

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
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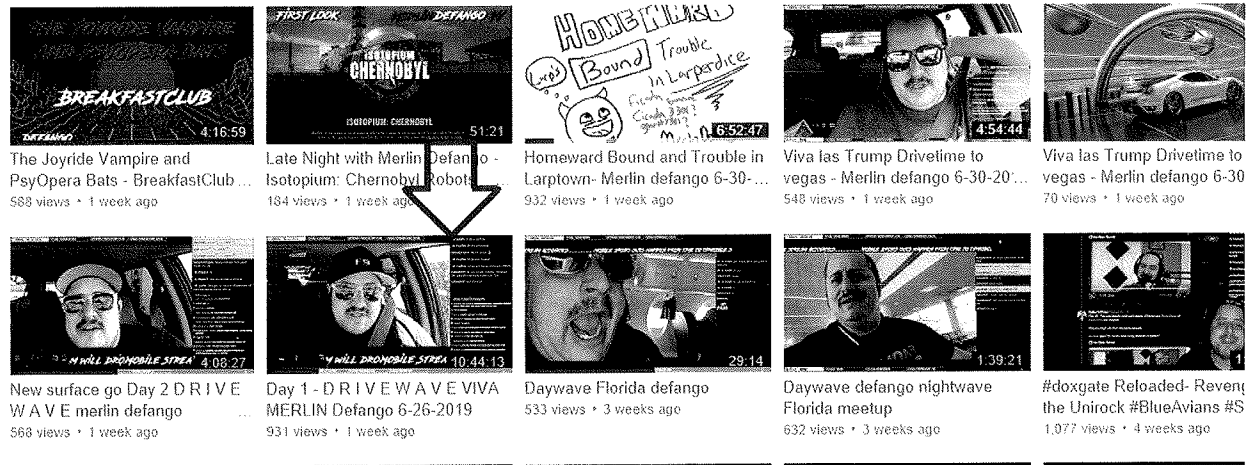
21. As you are well aware, you placed a telephone call to ref: (a) (DEFANGO) while he was conducting a livestream YouTube broadcast (similar to your use of livestream technology during the closure of the Port of Charleston on June 14, 2017). Your conversation you're your CSTT side-kick is available within the YouTube video content (see below) posted by ref: (a) (DEFANGO).



Streamed live on Jun 26, 2019
 VAPORTUBE. WERE ya Been defango????

Internet URL: <https://www.youtube.com/watch?v=11dhF6m1-9g&t=7523s>

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22. Your conversation commences at time-mark 42:35 and is as follows (excerpts):

TRANSCRIPT OF DISCUSSION

REF: (A): Oh, Jason Goodman is calling me. Hello Jason Goodman.

GOODMAN: Manual Chavez, how are you.

REF: (A): I am doing alright, just heading to Arizona right now.

GOODMAN: OH, ok. So I guess you are in a bit of a drive. I don't know if you had a chance to see my messages, but one thing I would really like to get – if your able to send it – is either a screen capture from Patreon of . uh .. the dash board, or the initial e-mail Patreon that sends you that says AMABISS has become a Patreon and shows an e-mail of that account.

...

REF: (A): I can send that over to you no problem, actually. Garble. I actually did get that e-mail . and .. all .. uh .. and I have a couple of messages for how ever many months she was on my thing and I will send you like a copy of that it shows the date and what e-mail she was using.

....

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MATTER: STEELE v. GOODMAN, 17-CV-00601-MHL

GOODMAN: Something you would write to the Bar Association saying “hey, look, this judge determined that it is likely that Biss is making these inappropriate payments. He is not supposed to be paying you, if you’re his client, and particularly if that payment is coming at a time you are engaged in activities like making videos about his lawsuit, that spread allegations out across the Internet, that aren’t true. Things like that. So, that is my position that he had someone paying you to do that stuff. **He’s been working with Robert David Steele, you were working for Robert David Steele, at the time, Sweigert [undersigned] was working with you, Tyroan Simpson was working with you and Sweigert and these are the elements of conspiracy.**

REF: (A): Yeah, I mean you got the conspiracy down pretty well. I mean. I will send you everything that shows she was on my Patreon and she was paying me on Patreon, for sure. **But, was I working in concert with Dave Acton [undersigned] and those guys, yeah, f_ck it, why not. I will say whatever. (Laughter)**
[emphasis added]

SUMMARY

23. It appears that you have intentionally conflated the undersigned with ref: (a) (DEFANGO) in a fraudulent manner to support the *Black Cube rumor* narrative. Overwhelming evidence indicates that this rumor is directly and solely traceable to ref: (a) (DEFANGO) and NOT the undersigned. Nonetheless, you continually ask this Court to believe in this falsified narrative based on flimsy tainted and unauthenticated evidence, which you present in a glossed over manner.

UNITED STATES DISTRICT COURT, FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

MATTER: STEELE v. GOODMAN, 17-CV-00601-MHL

24. It appears that you have intentionally conflated the undersigned with ref: (a) (DEFANGO) in a fraudulent manner to support the *Black Cube rumor* narrative. Overwhelming evidence indicates that this rumor is directly and solely traceable to ref: (a) (DEFANGO) and NOT the undersigned. Nonetheless, you continually ask this Court to believe in this falsified narrative based on the most flimsy tainted and unauthenticated evidence, which you present in a glossed over manner to the Court.

25. It appears from the foregoing that your issues should be with your CSTT side-kick ref: (a) (DEFANGO) and not me. Your continued accusations regarding the undersigned's involvement in a conspiracy with DEFANGO (ref: (a)) appear to be fraudulent on their face.

I hereby attest that the foregoing is true and accurate under the penalties of perjury on this ____/
day of July, 2019.

D. G. SWEIGERT

PRESS FIRMLY TO SEAL

PRESS FIRMLY TO SEAL

12/17/19
06 28 5
11488361

PRIORITY®
★ MAIL ★

DATE OF DELIVERY SPECIFIED *

USPS TRACKING™ INCLUDED *

INSURANCE INCLUDED *

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